

APPROPRIATION FOR RECORDS OF JUDGMENTS RENDERED AGAINST THE GOVERNMENT BY UNITED STATES DISTRICT COURTS

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COMMUNICATION

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

RECORDS OF JUDGMENTS RENDERED AGAINST THE GOVERNMENT BY THE UNITED STATES DISTRICT COURTS, IN ACCORDANCE WITH THE DEFICIENCY ACT OF APRIL 24, 1904 (U. S. C., TITLE 31, SEC. 583, PAR. 2), AS SUBMITTED BY THE ATTORNEY GENERAL THROUGH THE SECRETARY OF THE TREASURY, AND WHICH REQUIRE AN APPROPRIATION FOR THEIR PAYMENT AMOUNTING TO \$10,465.58

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MARCH 4, 1939.—Referred to the Committee on Appropriations, and ordered to be printed

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THE WHITE HOUSE,  
*Washington, March 4, 1939.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith for the consideration of Congress, in accordance with the provision contained in the Deficiency Act of April 27, 1904 (U. S. C., title 31, sec. 583, par. 2), records of judgments rendered against the Government by the United States district courts, as submitted by the Attorney General through the Secretary of the Treasury, and which require an appropriation for their payment amounting to \$10,465.58.

The necessity for the appropriation asked is explained in the letter of the Acting Director of the Bureau of the Budget, transmitted herewith, in whose conclusions and observations thereon I concur.

Respectfully,

FRANKLIN D. ROOSEVELT.

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BUREAU OF THE BUDGET,  
*Washington, February 27, 1939.*

THE PRESIDENT,  
*The White House.*

SIR: I have the honor to submit herewith for your consideration, in accordance with the provisions contained in the Deficiency Act of

## 2 JUDGMENTS RENDERED AGAINST THE UNITED STATES

April 27, 1904 (U. S. C., title 31, sec. 583, par. 2), records of judgments rendered against the Government by the United States district courts as submitted by the Attorney General through the Secretary of the Treasury, as follows:

Department or establishment	Tucker Act cases (U. S. C., title 28, sec. 761)	Public Vessels Act cases (U. S. C., title 46, sec. 787)	Total
Department of Agriculture.....	\$1, 105. 68	-----	\$1, 105. 68
Department of the Interior.....	5, 675. 00	-----	5, 675. 00
Navy Department.....	-----	\$2, 764. 90	2, 764. 90
War Department.....	920. 00	-----	920. 00
Total.....	7, 700. 68	2, 764. 90	10, 465. 58

The references to the acts or special conditions under which these judgments were rendered are set forth in each case in the papers accompanying the enclosed letters of the Treasury Department.

For the payment of these judgments there is required an appropriation of \$10,465.58, including costs in some cases, together with such additional sum as may be necessary to pay interest as provided by law, with the proviso that these judgments shall not be paid until the right of appeal has expired.

Since the foregoing are obligations of the Government lawfully imposed and which (subject to the reserved right of appeal) must be paid, an appropriation for that purpose is necessary at this time.

Very respectfully,

D. W. BELL,  
*Acting Director of the Bureau of the Budget.*

TREASURY DEPARTMENT,  
*Washington, February 24, 1939.*

The ACTING DIRECTOR, BUREAU OF THE BUDGET.

(Judgments under Tucker Act)

SIR: There are transmitted herewith for submission to Congress, in compliance with the provisions contained in the Deficiency Act of April 27, 1904 (31 U. S. C., 583, par. 2) records of judgments rendered against the Government by the United States district courts under the provisions of the act of March 3, 1887, as amended by section 297 of the act of March 3, 1911 (28 U. S. C. 761), as submitted to the Treasury Department by the Attorney General, as follows:

Under—

Department of Agriculture.....	\$1, 105. 68
Department of the Interior.....	5, 675. 00
War Department.....	920. 00
Total.....	7, 700. 68

For the payment of these judgments, there is required an appropriation of \$7,700.68, together with such additional amounts as may be necessary to pay interest on said judgments as and where specified, or

as required by law, provided payment of these judgments is to be made only when the right of appeal shall have expired.

By direction of the Secretary:

Very truly yours,

W. N. THOMPSON,  
*Acting Administrative Assistant to the Secretary.*

Name: City of Pasadena, a municipal corporation.

Date: December 2, 1938.

Amount: \$1,105.68.

Costs: None.

Nature of claim: Suit brought under the Tucker Act on a cooperative agreement between the city of Pasadena, the Department of Public Works of the State of California, the Los Angeles Flood Control District, county of Los Angeles, and the Department of Agriculture, relating to the distribution of cost of constructing a section of the San Gabriel National Forest Highway (Agriculture).

Final decree: Ordered, adjudged, and decreed that plaintiff recover from defendant the sum of \$1,105.68.

Court: United States District Court, Southern District of California, Central Division.

DEPARTMENT OF JUSTICE,  
*Washington, D. C., February 23, 1939.*

In re *City of Pasadena, a municipal corporation, plaintiff*, v. *the United States of America, defendant*, in the District Court of the United States in and for the Southern District of California, Central Division, No. 8211-M

TREASURY DEPARTMENT,  
*Washington, D. C.*

SIRS: There is enclosed for report for appropriation a certified copy of a judgment entered in the above-entitled case on December 2, 1938, for the plaintiff in the amount of \$1,105.68.

The suit was brought under the Tucker Act on a cooperative agreement between the city of Pasadena, the Department of Public Works of the State of California, the Los Angeles flood-control district, county of Los Angeles, and the Department of Agriculture relating to the distribution of cost of constructing a section of the San Gabriel National Forest highway.

The Department of Agriculture is the Department in interest.

Appeal will not be taken from this judgment.

The judgment will bear interest at the rate of 4 percent from its date until an appropriation is made for its payment as provided by section 10 of the Tucker Act, United States Code, title 28, section 765.

City Attorney Harold P. Huls and Deputy City Attorney Neil B. Ross appear as attorneys of record for the plaintiff.

Please advise this Department when payment of the judgment is made in order that the appropriate entry of satisfaction of judgment can be made on the docket of the court.

Respectfully,

SAM E. WHITAKER,  
*Assistant Attorney General*  
(For the Attorney General).

Name: Edward R. Bacon Co.

Date: November 16, 1938.

Amount: \$5,675.

Costs: None.

Nature of claim: Suit brought under the Tucker Act on a contract with the National Park Service under date of May 26, 1934 (Interior).

Final decree: Considered by the court that Edward R. Bacon Co. recover of United States of America the sum of \$5,675, with interest thereon after the entry of judgment, at 4 percent per annum.

Court: United States District Court, Northern District of California, Southern Division.

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DEPARTMENT OF JUSTICE,

Washington, D. C., February 3, 1939.

In re *Edward R. Bacon Company v. United States*, in the United States District Court for the Northern District of California, Southern Division, No. 20268-L.

TREASURY DEPARTMENT,

Washington, D. C.

SIRS: There is enclosed herewith for report for appropriation a certified copy of a judgment entered November 16, 1938, in the above-entitled case for the plaintiff in an amount of \$5,675.

The suit was brought under the Tucker Act on a contract with the National Park Service, Department of the Interior, under date of May 26, 1934.

The Department of the Interior is the Department in interest.

Appeal will not be taken from this judgment.

The judgment will bear interest at the rate of 4 percent from its date until an appropriation is made for its payment as provided by section 10 of the Tucker Act, United States Code, title 28, section 765.

Corbet & Selby, John Selby, and Russel Shearer, whose offices are in the Crocker First National Bank Building, San Francisco, Calif., appear as attorneys of record for the plaintiff.

Respectfully,

SAM E. WHITAKER,

*Assistant Attorney General*

(*For the Attorney General*).

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Name: Benjamin Harrison Flynn.

Date: December 5, 1938.

Amount: \$920.

Costs: None.

Nature of claim: Suit brought under the Tucker Act on a contract with the War Department for the construction of a levee (War).

Final decree: Ordered, adjudged, and decreed that Benjamin Harrison Flynn have judgment against the United States of America in the sum of \$920; that plaintiff's claim is otherwise rejected.

Court: United States District Court, Western District of Louisiana, Alexandria Division.



DEPARTMENT OF JUSTICE,  
Washington, D. C., February 14, 1939.

In re *Benjamin Harrison Flynn v. United States*, in the United States  
District Court for the Western District of Louisiana, No. 2786

TREASURY DEPARTMENT,  
Washington, D. C.

SIRS: There is enclosed for report for appropriation a copy of a judgment entered in the above-entitled case on December 5, 1938, for he plaintiff in the amount of \$920.

The suit was brought under the Tucker Act on a contract with the War Department for the construction of a levee.

The War Department is the Department in interest.

Appeal will not be taken from this judgment.

The judgment will bear interest at the rate of 4 percent from its date until an appropriation is made for its payment as provided by section 10 of the Tucker Act, United States Code, title 28, section 765.

LeDoux Provosty, Alexandria, La., appears as attorney of record for the plaintiff.

Please advise this Department when payment of the judgment is made in order that the appropriate entry of satisfaction of judgment can be made on the docket of the court.

Respectfully,

SAM E. WHITAKER,  
*Assistant Attorney General*  
(For the Attorney General).

TREASURY DEPARTMENT,  
Washington, February 24, 1939.

The ACTING DIRECTOR, BUREAU OF THE BUDGET.

#### JUDGMENTS UNDER PUBLIC VESSELS ACT

SIR: There is enclosed for submission to Congress, in compliance with the provisions contained in the Deficiency Act of April 27, 1904 (31 U. S. C. 583, par. 2), a record of a judgment rendered against the Government by the United States district court, under the provisions of an act entitled, "An act authorizing suits against the United States in admiralty for damage caused by and salvage services rendered to public vessels belonging to the United States, and for other purposes," approved March 3, 1925 (46 U. S. C. 787), submitted to the Treasury Department by the Attorney General, as follows:

Under Navy Department----- \$2,764.90

For the payment of this judgment there is required an appropriation of \$2,764.90, together with such additional amount as may be necessary to pay interest as and where specified in the judgment, provided payment of this judgment is to be made only when the right of appeal shall have expired.

By direction of the Secretary:

Very truly yours,

W. N. THOMPSON,  
*Acting Administrative Assistant to the Secretary.*

**Name:** Delaware, Lackawanna & Western Railroad Co., as owner of the car float No. 32.

**Date:** October 28, 1938.

**Amount:** \$2,728.47.

**Costs:** \$36.43.

**Nature of claim:** Suit brought under the Public Vessel Act to recover for damages sustained as a result of collision of Navy steam tug *Sagamore* and car float No. 32 (Navy).

**Final decree:** Ordered, adjudged, and decreed that Delaware, Lackawanna & Western Railroad Co. recover of United States of America the sum of \$2,728.47 (representing one-half of stipulated damages), and \$36.43 (representing one-half of the costs of libellant); in all, \$2,764.90, together with interest at 4 percent from date of entry of decree until paid.

**Court:** United States District Court, Eastern District of New York.

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DEPARTMENT OF JUSTICE,  
Washington, D. C., February 2, 1939.

In re *Delaware, Lackawanna & Western Railroad Company, as owner of the car float No. 32 v. United States (steam tug Sagamore)*—  
Steam tug *Bronx* impleaded.

The honorable the SECRETARY OF THE TREASURY.

SIR: By authority of the Public Vessel Act of March 3, 1925, the Delaware, Lackawanna & Western Railroad Co., as owner of the car float No. 32, brought an action against the United States as owner of the steam tug *Sagamore* to recover for damages sustained as a result of the collision of the vessels which occurred on December 22, 1933. The District Court for the Eastern District of New York held that both vessels were at fault and divided the damages. The *Sagamore* was operated by the Navy Department.

We are enclosing herewith certified copy of the final decree in this case for \$2,764.90, which was entered on October 28, 1938. May we request that the decree be placed in line for appropriation and payment?

Respectfully,

SAM E. WHITAKER,  
Assistant Attorney General  
(For the Attorney General).

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